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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of
Stapper, et al.

Examiner: Not Yet Assigned

Art Unit: 1614

Application No.: 10/789,324

Filed: February 27, 2004

Title: **Cycloalkyl-substituted alkanolic acid
derivatives, processes for their
preparation and their use as
pharmaceuticals**

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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. 1.56, 1.97 AND 1.98

Commissioner for Patents
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Applicants submit herewith patents, publications, and other information of which they are aware, which they believe may be material, as defined in 37 C.F.R. 1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. 1.56(a). While the information referred to in this Information Disclosure Statement may be material pursuant to 37 C.F.R. 1.56(b), the filing of this Information Disclosure Statement is not intended to, pursuant to 37 C.F.R. 1.97(h), constitute an admission that any patent, publication or other information referred to is, or is considered to be, material to the patentability of this invention. Pursuant to 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information exists.

- ☒ (a) This Information Disclosure Statement is filed within the period set forth in §1.97(b) because it accompanies the new patent application submitted herewith, is filed within three months of the filing date of a national application or within three months of the date of entry of the national stage as set forth in §1.491 in an international application, or is believed to be filed before the mailing date of a first Office Action on the merits, or before the mailing of a first office action after the filing of a request for continued examination under §1.114 whichever event occurs last. However, in the event that the first office action has been mailed, the Commissioner is authorized to charge any fees under 37 C.F.R. 1.17(p) or credit any overpayment to Account No. 18-1982.

- ☐ (b) This Information Disclosure Statement is filed after the period set forth in 37 C.F.R. 1.97(b), but is believed to be filed before the mailing date of a final action under §1.113 or a notice of allowance under §1.311, whichever occurs first.
- ☐ (1) The undersigned attorney certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement;
- ☐ (2) The undersigned attorney certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned attorney after making reasonable inquiry; was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement; or
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A concise explanation of the relevance of some or all of the items listed on the attached PTO-1449 (modified) is as follows:

The items listed with an asterisk on the attached PTO-1449 (modified) have been previously submitted by the examiner or the applicant in related applications of this series:
10/789,365

Therefore, a copy of the reference(s) are enclosed with this Information Disclosure Statement.

Respectfully submitted,



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DISCLOSURE
APPLICANT
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Complete if Known

Application Number	10/789,324
Filing Date	02-27-2004
First Named Inventor	STAPPER, et. al.
Group Art Unit	1614
Examiner Name	Not Yet Assigned
Attorney Docket Number	DEAV2003/0020 - US - NP

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		5,015,644		ROTH, et. al.	05-14-1991	
	*	5,190,923		VINCENT, et. al.	03-02-1993	
		5,420,164		MISHINA, et. al.	05-30-1995	
		5,679,709		BARTLETT, et. al.	10-21-1997	
		6,028,109		WILLSON, et. al.	02-22-2000	
	*	6,221,633		ERTL, et. al.	04-24-2001	
	*	6,221,897		BARINGHAUS, et. al.	04-24-2001	
	*	6,245,744		BARINGHAUS, et. al.	06-12-2001	
	*	6,277,831		FRICK, et. al.	08-21-2001	
	*	6,342,512		KIRSCH, et. al.	01-29-2002	
		6,624,185		GLOMBIK, et. al.	09-23-2003	
		6,884,812		GLOMBIK, et. al.	04-26-2005	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
		JP	2002201127		TAKAYUKI, et. al.	07-16-2002		
		JP	2002201171		HIROYASU, et. al.	07-16-2002		
	*	WO	00/40569		HODSON et al	07-13-2000		
	*	WO	00/63208		DORWALD et al	10-26-2000		
	*	WO	00/64876		JAYYOSI, et. al.	11-02-2000		
	*	WO	00/64888		JAYYOSI, et. al.	11-02-2000		
	*	WO	00/66585		HORVATH, et. al.	11-09-2000		
	*	WO	00/71549		BROUGH et al	11-30-2000		
	*	WO	00/78312 A1		SAHOO et al	12-28-2000		
	*	WO	01/04146 A2		OLSEN et al	01-18-2001		

Examiner Signature		Date Considered	
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/789,324
				Filing Date	02-27-2004
				First Named Inventor	STAPPER, et. al.
				Group Art Unit	1614
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	DEAV2003/0020 - US - NP
Sheet	4	of	7		

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		Office ³	Number ⁴				
	*	WO	03/104188		SCHOENAFINGER, et. al.	12-18-2003	
	*	WO	94/18183		BRIEADDY, et. al.	08-18-1994	
	*	WO	94/18184		BRIEADDY, et. al.	08-18-1994	
	*	WO	96/38428		MAEDA, et. al.	12-05-1996	
	*	WO	97/26265		NIELSEN, et. al.	07-24-1997	
	*	WO	97/41097		LOHRAY, et. al.	11-06-1997	
	*	WO	98/08871		KNUDSEN, et. al.	03-05-1998	
	*	WO	98/19998		VILLHAUER, et. al.	05-14-1998	
	*	WO	99/03861		NIELSEN, et. al.	01-28-1999	
	*	WO	99/15525		BRODIN, et. al.	04-01-1999	

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Sheet	5	of	7		

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Substitute for form 1449B/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number	10/789,324	
			Filing Date	02-27-2004	
			First Named Inventor	STAPPER, et. al.	
			Group Art Unit	1614	
			Examiner Name	Not Yet Assigned	
Sheet	6	of	7	Attorney Docket Number	DEAV2003/0020 - US - NP

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
	*	ASAKAWA, A., et. al., Cocaine-Amphetamine-Regulated Transcript Influences Energy Metabolism Anxiety and Gastric Emptying in Mice, Hormone and Metabolic Reserch; Vol. 33(9); 2001; pp 554-558		
	*	BERGER, J., et. al., The Mechanisms of Action of PPARs, Annul. Rev. Med.; Vol. 53; 2002; pp 409-435		
	*	FRUCHART, J.C., et. al., PPARs, Metabolic Disease and Atherosclerosis, Pharmacological Research; Vol. 44, No. 5; 2001 ¹ pp 345-352		
	*	KERSTEN, S., et. al., Roles of PPARs in Health and Disease, Nature; Vol. 405; May 25, 2000; pp 421-424		
	*	KLIEWER, S.A., et. al., Peroxisome Proliferator-Activated Receptors: From Genes to Physiology, Recent Prog. Horm Res.; Vol. 56; 2001; pp 239-263		
	*	LEE, D.W., et. al., Leptin agonists as a potential approach to the treatment of obesity, Drugs of the Future; Vol. 26(9); 2001; pp 873-881		
	*	MOTOJIMA, K., et. al. Peroxisome Proliferator-Activated Receptor (PPAR): Structure, Mechanisms of Activation and Diverse Functions, Cell Structure and Function; Vol. 18; 1993; pp 267-277		
	*	OKADA, H., et. al., Synthesis and Antitumor Activities of Prodrugs of Benzoylphenylureas, Chem. Pharm. Bull.; Vol. 42(1); 1994; pp 57-61		
	*	PINEDA TORRA, I., et. al., Peroxisome Proliferator-activated Receptors: from Transcriptional Control to Clinical Practice, Curr. Opin. Lipidol; Vol. 12; 2001; pp 245-254		
	*	PINEDA TORRA, I., et. al., Peroxisome proliferator-activated receptor alpha in metabolic disease, inflammation, atherosclerosis and aging, Curr. Opin. Lipidol; Vol. 10; 1999; pp 151-159		

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Sheet	7	of	7	Attorney Docket Number	DEAV2003/0020 - US - NP

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	*	VIDAL-PUIG, A., et. al., Regulation of PPAR γ Gene Expression by Nutrition and Obesity in Rodents, J. Clin. Invest.; Vol. 97, No. 11, 1996; pp 2553-2561	
	*	WILLSON, T., M., et. al., The PPARs: From Orphan Receptors to Drug Discovery, Journal of Medicinal Chemistry; Vol. 43, NO. 4; 2000; pp 527-550	
	*	ZUNFT, H.J.F., et. al., Carob Pulp Preparation for Treatment of Hypercholesterolemia, Advances in Natural Therapy; Vol. 18, No. 5; Sept-Oct, 2001; pp 230-236	

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